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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Juan Morales #2014 101 5192
Plaintiff,

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

1:17-cv-01759

Judge Virginia M. Kendall
Magistrate Judge Maria Valdez
PC5

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

1. The Director of Cook
County Jail - "Ms. Jones";

The Honorable

[and]

2. The Superintendent of
Division - 3 Annex,
"T. Currie"; Defendants

Presiding
Magistrate

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

original

I. Plaintiff(s):

- A. Name: Juan Morales
- B. List all aliases: None
- C. Prisoner identification number: 2014 101 5192
- D. Place of present confinement: Cook County Jail
- E. Address: P.O. Box 089002, Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: "T. Currie"
Title: Superintendent of Division 3 Annex
Place of Employment: Cook County Jail
- B. Defendant: "Ms. Jones"
Title: Director of Cook County Jail
Place of Employment: Cook County Jail
- C. Defendant: _____
Title: _____
Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

Plaintiff has never filed any Law Suit in any Court.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: _____
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____
- D. List all defendants: _____
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____
- G. Basic claim made: _____
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Jurisdiction And Venue

- (1) Jurisdiction is proper pursuant to 42 USC 1983.
 - (2) All Acts Omissions of the defendants which give rise to the claims occurred within the territorial bounds of this Courts Jurisdiction.
- State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

V. Exhaustion of Administrative Remedies

- (3) Plaintiff has fully exhausted all available administrative Remedies as follows pursuant to the P.L.R.A. ;
- (4) Plaintiff has filed a grievance and appealed the denial of it to the highest Person - the Superintendent enlisted herein, [and] Director, enlisted herein.
- (5) Plaintiff has [directly] complained of his grievance issues providing [them] with numerous opportunities and "notice" of the need to provide relief; ("them" means both defendants).
- (6) Plaintiff wrote several letters to [both] defendants and they refused to remedy the conditions.
- (7) Both defendants refused to care enough to even respond to plaintiff further.

V.

Facts Leading Up To And Giving Rise To The Claims

Note: The 'Facts' set forth hereafter are incorporated into the 'Statement of Claims', as though actually restated.

1. Plaintiff entered Cook County jail on Oct. 15, 2016, and Division 3 Annex B2 on Oct 25, 2016.

2. Upon entering Div. 3, B2, plaintiff observed the following living conditions, which are all closely related and exist together in a small area:

- A. - the toilets were/are totally filthy without any way to clean them.
- B. - there was not and are not any toilet-seat protectors to protect oneself from bacteria.
- C. - all 48 detainees and plaintiff use the same toilet to defecate while three other toilets adjacent are used as urinals which are never wiped but urine is simply splashed everywhere on adjacent toilets and floor, without a way to wipe or clean them.
- D. - the entire walls, sinks, floors were/are filthy with organisms plainly seeable and growing throughout.
- E. - the showers were/are saturated with dark mold, bugs, slime-like substance, and filth from the constant use of 48 men and without the minimum chemicals to clean them.
- F. - there's a constant stream of new detainees entering many of whom have illnesses and some form of infectious diseases all using the same aforesate bathroom, without other choice, or way, to protect ourselves from contaminations.
- G. - all 48 of us detainees are kept in a tight, low-ceiling deck, without proper ventilation. The vents are totally filthy on the outside and inside the ducting it's caked-up with layers of dust, mold, and other material, from perhaps decades of not being cleaned; it is these materials that the plaintiff and others are forced to breath in.
- H. - there is no-where to go on the locked small deck approximately '88 ft.-by-'20 ft. to get away from the filthy vents and ducting particles plaintiff is forced to breath in, as there's no-where else allowed to go.
- I. - Many detainees come in with lung-related issues and persistent coughing which adds to all that plaintiff is already forced to breath in from the vents with no way to protect himself, as the air is not filtered.

J. The surfaces such as the tables, phones, walls, are all filthy with no adequate caustic cleaning chemicals provided, or rags or towels to wipe the surfaces. [When] chemicals [are] provided staff allows (as the Defendants allow) the chemicals to be stolen by one or two detainees who don't share them with the other 48 and new ones coming in daily.

K. There is no discernable "filtration" of the air - it's merely blown around and so filthy that plaintiff and others commonly breath-in macro-sized particles.

L. Since 10-21-2016, plaintiff is forced to live under the condition where urine from 48 detainees hits the floors near the urinals, is shoe-soul deep with frequent water-leaks, and is then tracked around the deck by the feet, ends up on the beds, stools, tables, and any disease in the urine ends up on our bodies inevitably.

3. Plaintiff has repeatedly complained about the filthy conditions using grievances, notes to staff, letters to the named defendants, and actually asking nearly every shift officer for assistance regarding conditions.

4. Plaintiff has repeatedly asked to be moved to somewhere in the jail where conditions are different however the policy of the named defendants does not allow it.

5. Other detainees are numerous complaining likewise and have sought medical treatment from injuries and diseases resulting from the conditions.

6. Plaintiff's injuries and physical condition [resulting] are as follows: My nasal passages have been plugged and there's an obvious infectious component of it due to the smell of the mucus; plaintiff's eyes stay dry (and other detainees are complaining likewise); I'm sick, dizzy several times per day and generally low on energy, have various pains in the lungs while breathing deeply (which plaintiff is seeking treatment for, as have others), and none of these conditions of health existed prior to being moved to Div. 3 Annex. Additionally, plaintiff's ears ring constantly and bumps have emerged on my body as hives that appear different from day-to-day. Plaintiff has had both soars and flus while here; and I "feel" like I'm "sick" with a flu and these are symptoms that many people complain of; and at least two doctors have told myself and other detainees that "bacteria and illnesses are being transferred between detainees by air and touch due to unsanitary conditions;"...

7. Plaintiff has been "retaliated" against by some shift-officers for complaining regarding said "conditions" usually by confiscating writing materials however this has not affected ability to file this suit and is not a claim herein, but it does show that there's been ample opportunity and notice to the enlisted defendants regarding the Living Conditions.

8. Plaintiff has directly complained to the enlisted defendants who refused to care and say "the county is broke - hard out if you don't like it".

Note: All of the aforesaid "facts" of this Section VI are incorporated into the following claim of Section VII as though actually restated.

VII. **Statement Of The Claim**

Claim:

Defendants: Ms. Jones, Director Of Cook County Jail, and T. Currie, Superintendent of Division 3 Annex, both Cloaked with Color of Law, Acting In Individual and Official Capacities, Did Deliberately Deprive Plaintiff of His 8th Amendment U.S. Constitutional Right Prohibitting "Deliberate Indifference", when the Above Defendants "Knowingly Provided" the Inhumane "Living Conditions" As stated In Section VI herein, A Deck-B2 - Division III Annex, of filthy Floors, Walls, Tables, Phones; the showers totally permeated with Mold, Scum, Slime, bugs, bacteria clearly visible; toilets with Urine Leaking on the floors And All over Tracked Throughout The Living Area by 48 detainees Living Cramped Up next to each other; No toilet protectors, the entire Walls, Sinks, floors are covered in organisms and no rags to wipe them Nor adequate chemical cleaning Supplies to do so; Where Plaintiff is forced to Live in this Squaller of filth with 47 other Men Using the same single toilet to defecate

without rags to clean it or protectors to prevent contamination while three other adjacent toilets splash and leak urine and no way to sanitize the facilities or protect oneself from diseases; where a constant stream of new detainees enter the Deck many of whom have various illnesses, infections, and even open wounds using the same toilet as aforesaid, and without adequate supplies to clean them; where many new detainees enter with respiratory sicknesses, coughing, without any way for plaintiff to protect himself; where, in a small, tight, low-ceiling deck without ventilation, as the vents are both [externally] and [internally] caked up with layers of dust, mold, and other material plaintiff is forced to breathe-in, that has effected massive coughing in plaintiff (and others); where no rags, scrub pads, or cleaning chemicals are provided to all detainees but rather only to a couple detainees who use such for themselves; where the stench of obvious fifth smells on the small deck 24 hours a day like an "out-house" and at least three quarters of the 48 men having breathing issues like plaintiff from the particles in the unfiltered air; where plaintiff's nasal cavities are stuffed-up 24-7 and his nostrils are burning with raw spots and scabs in spots, along with dizziness, coordination instability, latharginess, raw throat, hoarseness of voice and constant headaches; and where plaintiff and [nearly] all 47 others are coughing and feel sick for 4 months straight (presently); And where both the "Director" and "Superintendent" - Defendants have [direct] "knowledge" of all of such conditions and have been directly begged by plaintiff and others however both Defendants deliberately and callously refuse to remedy the conditions at all. Plaintiff has [also] developed ringing in his ears and blurry eyesight he believes directly from the toxicity of the cumulative effects of the Unconstitutional Conditions.

VIII.

Relief Requested

Wherefore, plaintiff respectfully requests the following relief either in totality or part:

1. "Compensatory Relief" in amount of \$100,000.00 dollars;
2. "Actual Damages" in amount \$200,000.00 dollars;
3. "Nominal Damages Relief" in amount of \$100,000.00 dollars Constitutional Injury; and for being forced to live under those conditions; and
4. For such other Relief as this Court finds just under the circumstances.

IX.

Plaintiff requests trial by Jury pursuant to F.R.C.P.

Respectfully Submitted,

Juan Morales
Juan Morales

#2014 101 5192

Cook County Jail

2700 So. California Ave
Chicago, IL 60608

Verification

Under penalties of perjury, all herein is true.
Date 2-21 2017.

Juan Morales
Juan Morales - Plaintiff

In The United States District Court
For The Northern District Of Illinois
Eastern Division

FILED

Juan Morales,
#2014 101 5192
Plaintiff,

-VS-

The Director Of Cook County Jail -
"Ms. Jones"

and

The Superintendent of Div. 3 Annex
"T. Currie".

Defendants.

MAR 03 2017 *W*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Case No. _____

The Honorable

Presiding.

Magistrate

Notice Of Filing

To: The Director Of Cook County Jail
"Ms. Jones"
2700 So. California Ave.
Chicago, IL 60608

To: The Superintendent of
Cook County Jail's Div. 3 Annex
"T. Currie"
2700 So. California Ave
Chicago, IL 60608

PLEASE TAKE NOTICE, on 2-27-2017, I,
Plaintiff Juan Morales has filed the accompanied 42 U.S.C. 1983
Civil Rights Complaint enlisting you as defendants, with the Honorable
Clerk of the U.S. District Court @ 219 So. Dearborn St., Chicago, IL
60604, to which you must respond in time set forth on the summons
upon "Service".

Certification

I, certify on oath pursuant to
penalties of perjury that all herein
is true. Juan Morales
Date 2-21-2017.

Juan Morales
Juan Morales #2014 101 5192
Cook County Jail, P.O. Box 089002
Chicago, IL 60608

original